

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Civ Case #:

-----X  
MARIA TSAMASIROS

Plaintiffs

-against-

COMPLAINT

JURY TRIAL DEMANDED

THE CITY OF NEW YORK,  
P.O. RICKY POH,  
P.O. KAREEM ROBINSON,  
AND JOHN/JANE DOE OFFICERS OF  
THE 68<sup>TH</sup> AND 73<sup>RD</sup> pcts AND NYPD  
HIGHWAY PATROL UNIT, NAMES FICTITIOUS,  
TRUE NAMES UNKNOWN INTENDING TO BE  
OFFICERS ON THE DATE AND TIME ALLEGED

Defendants.

-----X  
S I R S:

Plaintiff, by her attorney, MICHAEL B. PALILLO,  
ESQ., complaining of the Defendants herein, alleges upon  
information and belief, as follows:

**NATURE OF THE CLAIM**

1. That this is an action for money damages to  
redress deprivation by Defendants of the rights secured to the  
Plaintiff under the Constitution and Laws of the United States  
of America and under the guise of New York Law.

2. The Plaintiff base this action upon her illegal  
seizure by various members of the New York City Police  
Department on the 21<sup>rd</sup> day of May 2022. This Court is  
authorized to grant the Plaintiff the relief under 42 U.S.C.

1983 and 1988.

### **JURISDICTION**

3. Jurisdiction in this matter is invoked in accordance with 28 U.S.C. 1331 and 28 U.S.C.

### **VENUE**

4. Venue is proper in the Eastern District of New York pursuant to 28 U.S.C. 1331 and 28 U.S.C. 1391 (b) as all of the events and omissions giving rise to Plaintiff's claims occurred in Kings County in the Eastern District of New York, the actual place of employment of all the individual police officers.

### **THE PARTIES**

5. That at all times herein mentioned the Plaintiff resided at 226 Beach 134<sup>th</sup> Street, Belle Harbor, N.Y. 11694.

6. That at all times mentioned herein, THE CITY OF NEW YORK, hereinafter after referred to as the "CITY" was and continues to be a municipal corporation existing and organized by virtue of the Laws of the State of New York.

7. At all times mentioned herein, THE NEW YORK CITY POLICE DEPARTMENT (hereinafter known as the "NYPD") was and still are a Department and/or agency of the "CITY" and operates under its supervision, management and control.

8. That at all dates and times hereinafter mentioned Defendant "CITY" by it's agents, servants and/or employees, operated, maintained and controlled the "NYPD" and employed and controlled all of it's "NYPD" police officers.

9. Upon information and belief, that at all dates and times hereinafter mentioned Defendants P.O. Ricky Poh, P.O. Kareem Robinson, "JOHN DOES" and "JANE DOES" were employed by the Defendant "CITY" and were assigned NYPD Units/Pct.s including but not limited to the NYPD Highway Patrol Unit (2) and/or the 68<sup>th</sup> Pct., and/or the 73<sup>rd</sup> Pct., County of Kings, State of New York.

10. That at all dates and times hereinafter mentioned the Defendants P.O. Ricky Poh, P.O. Kareem Robinson "JOHN DOES" and "JANE DOES" acted within the scope of their employment for the Defendant "CITY."

11. That at all dates and times hereinafter mentioned, Defendants, "JOHN DOES" and "JANE DOES" names fictitious, true names unknown but intended to be NYPD Officers at the time and place of this occurrence who were employees of the "CITY" and were assigned NYPD Units/Pct.,s including but not limited to the NYPD Highway Patrol Unit (2) and/or the 68<sup>th</sup> Pct., and/or the 73<sup>rd</sup> Pct., County of Kings, State of New York.

12. That at all dates and times hereinafter mentioned the Defendants "JOHN DOE/JANE DOE" acted within the scope of his/her employment for the Defendant "CITY."

13. That a Notice of Claim on behalf of Plaintiff was duly presented to the defendant "CITY" care of the Comptroller of the City of New York on the 26<sup>th</sup> day of July 2022 which were within ninety (90) days of the cause of action accruing herein.

14. That the "CITY" has demanded a hearing for the Plaintiff pursuant to §50-H of the General Municipal Law, and a hearing was held on September 7, 2022.

15. The claim of Plaintiff has been presented for adjustment/payment and no adjustment or payment has been held.

16. This action has been brought within one year and ninety (90) days of the happening of the event complained of.

**FACTUAL BACKGROUND**

17. Plaintiff repeats, reiterates and re-alleges each and every allegation previously set forth as if more fully set-forth herein at length.

18. That on May 21, 2022 at approximately 12:45 A.M. at and about the corner of 4<sup>th</sup> Avenue and 94<sup>th</sup> Street, County of Kings, State of New York the Plaintiff was driving a 2015 Ford Explorer Bearing NY license plate number BOUZOUKI.

19. That at the aforementioned date, time and location the Plaintiff was pulled over by PO Ricky Poh of the NYPD Highway Patrol Unit 2 for excessively tinted front drivers' side window, front passengers' side window, rear driver side window and rear passengers side windows.

20. The Plaintiff was not the owner of the vehicle.

21. When speaking to the Plaintiff PO Poh stated that he smelled alcohol.

22. That Plaintiff advised PO Poh that the two passengers in the vehicle had been drinking heavily and that is why he smelled alcohol.

23. The Plaintiff also advised PO Poh that because they were drinking heavily, and she was the designated driver.

24. PO Poh stated to the Plaintiff that she was going to to be taken for a Breathalyzer.

25. The Plaintiff was arrested at 1:02 A.M., placed in handcuffs and driven to the Barclay Center.

26. A 20 minute observation start time was 1:35 A.M.

27. The Plaintiff was administered a Breadth Analysis Test by technician PO Ricky Poh.

28. The Plaintiff blew below the legal limit of .08. A copy of the Police Department City of New York, Highway District Intoxicated Driver Testing Unit, New York State Evidential

Breadth Analysis Test dated May 21, 2022 is annexed as Exhibit "A."

29. In spite of passing the Breadth Analysis Test the Plaintiff was required to perform a "Field Sobriety Test."

30. The Plaintiff passed the field sobriety test.

31. In spite of passing the Breadth Analysis Test and in spite of passing the field sobriety test, the Plaintiff's was told she was going to be charged.

32. P.O. Kareen Robinson was the arresting officer.

33. The Plaintiff was interviewed, photographed, fingerprinted, placed in a holding cell, taken to the 78<sup>th</sup> Pct., taken to central booking, placed in a holding cell and then arraigned before the Hon. Archana Rao and charged with:

VTL 1121(1)  
OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

VTL 1192(3)  
OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

34. P.O. Kareem Robinson swore under oath that he observed Maria Tsamasiro driving a 2015 Explore New York State license plate No. Bouxouki that appeared to have excessively tinted front driver's side window, front passengers' side window, rear driver's side window and rear passengers' side window.

35. P.O. Kareen Robinson also swore under oath that he observed the Maria Tsamasiros exhibiting signs of intoxication, to wit red watery eyes and odor of alcoholic beverages on breath. A copy of the Criminal Court Complaint is annexed as Exhibit "B."

36. The Plaintiff was released without bail. Judge Arachana Rao directed that the Plaintiff's license was not to be suspended. A copy of the minutes of the arraignment are annexed as Exhibit "C."

37. Upon information and belief, the Plaintiff was held in custody for approximately twenty (20) hours.

38. That the NYS Dept. of Motor Vehicle did suspend the Plaintiff's driving privileges. A copy of the suspension notice is annexed as Exhibit "D."

39. That on May 23, 2022, the Plaintiff attend a screening for alcohol and/or other substance abuse before Randi D. Schneider, LCSW. The Plaintiff was required to pay the sum of \$125.00 for this screening. A copy of the paid receipt is annexed as Exhibit "E."

40. The Plaintiff was required to retain an attorney to represent her in the Criminal proceeding.

41. That on June 10, 2022, ADA Ashley C. Infante of the Kings County District Attorneys office notified Plaintiff's

Criminal Attorney via e-mail that the District Attorneys Office would be moving to dismiss the case due to insufficient evidence to prosecute. A copy of this email is annexed as Exhibit "F."

42. That on June 27, 2022, the Plaintiff appeared in the Criminal Court Kings County and the charges against her were dismissed and the record sealed.

43. A copy of the certificate of disposition is annexed as Exhibit "G."

44. In the manner aforesaid, each of the Defendants, jointly and severally, acted maliciously, willfully and wantonly, and outside the scope of their jurisdiction, although under color of law, violated the following rights of the Plaintiff:

- A) To be free from unreasonable search and seizure;
- B) To be free from search and seizure without probable cause;
- C) To be free from unlawful detainment and false arrest;
- D) To be free from assault and battery;
- E) To be free from negligence in the performance of police duties;
- F) To be free from summary punishment without trial;
- G) Due process of law.



45. All of these rights are secured to the Plaintiff by the provisions of the Fourth and Fourteenth Amendments to the Constitution of the United States of America, and by 42 U.S.C. Sections 1983 and 1988, and by the Statutes and Laws of the State of New York which is invoked under the jurisdiction of this Court.

46. That solely by reason of all the foregoing, the Plaintiff has suffered damage and injury.

**AS AND FOR A FIRST CAUSE OF ACTION**

47. Plaintiff repeats, reiterates and re-alleges each and every allegation previously set forth as if more fully set-forth herein at length.

48. On May 21, 2022, the Plaintiff was intentionally detained by the Defendants.

49. In detaining the Plaintiff, the Defendants were acting under color of State of Law, within the purview of 41 U.S.C. 1983, and within the scope of their employment with the "NYPD."

50. The Plaintiff did not resist her arrest, detention, imprisonment or confinement.

51. The Plaintiff was aware of her detention, imprisonment, arrest and confinement.

52. The Plaintiff did not consent to being detained,

imprisoned, arrested and confined.

53. The Plaintiff's detention, imprisonment, arrest and confinement was not privileged and Plaintiff was detained and arrested without probable cause that she committed any crime.

54. As a result of Plaintiff's illegal detention, the Defendants lacked reasonable suspicion, probable cause, or any other valid legal reason to effectuate the arrest and detention of the Plaintiff, and this detention and arrest and the actions of the Defendants amounted to an unlawful imprisonment, detainment, and arrest.

55. As a result of the foregoing the Plaintiff's Fourth and Fourteenth Amendment and rights under the Statutes and Laws of the State of New York were violated, which is invoked under the jurisdiction of this Court.

56. As a proximate result of Defendants intentional and malicious actions, the Plaintiff was greatly humiliated, suffered injury to her reputation, caused her to incur a charge of \$125.00 for alcohol screening, caused to her retain an attorney at the cost of \$2,500.00 and has suffered great mental anguish causing damages in an amount to be determined at trial, and punitive damages and attorneys' fees.

57. That solely by reason of all the foregoing, the Plaintiff has suffered damages and injuries in a sum to be determined at the time of trial.

**AS AND FOR A SECOND CAUSE OF ACTION**

58. Plaintiff repeats, reiterates and re-alleges each and every allegation previously set forth as if more fully set forth herein at length.

59. Upon information and belief that at the aforesaid dated, time and place, the Plaintiff was assaulted and subject to a battery, had hands placed on her by the Defendants herein, without the consent of the Plaintiffs.

60. That Plaintiff in no way instigated, caused or contributed to the complained of conduct.

61. That as a result of the assault and battery the Plaintiff suffered, her health was impaired, she was caused to have hands placed on her by the Defendants, suffered great physical and mental distress and humiliation, her reputation and character were injured and they were embarrassed.

62. That solely by reason of all the foregoing, the Plaintiff has suffered damages and injuries in a sum to be determined at the time of trial.

**AS AND FOR A THIRD CAUSE OF ACTION**

63. Plaintiff repeats, reiterates and re-alleges each and every allegation previously set forth as if more fully set forth herein at length.

64. That at all dates and times hereinafter mentioned the Defendants, their agents, servants and/or employees were charged with the duty to perform their job functions in a reasonably safe manner.

65. That at all dates and times hereinafter mentioned the Defendants, CITY OF NEW YORK, NEW YORK instructed and educated their Police Officers, in how to perform their job functions.

66. That at all dates and times hereinafter mentioned the Defendants did not perform their job duties in a reasonable safe manner.

67. That at all dates and times hereinafter mentioned the Defendants CITY OF NEW YORK their agent's servants and/or employees, including but not limited to P.O. RICKY POH, P.O. KAREEM ROBINSON, AND JOHN/JANE DOE OFFICERS OF the 68<sup>th</sup> AND 73<sup>RD</sup> PCTs/COMMAND AND NYPD HIGHWAY PATROL UNIT, NAMES FICTITIOUS, TRUE NAMES UNKNOWN INTENDING TO BE OFFICERS ON THE DATE AND TIME ALLEGED were negligent, careless and reckless in the performance of their job duties.

68. That solely by reason of the foregoing the Plaintiff has suffered damage and injury in a sum to be determined upon the trial of this action.

**AS AND FOR A FOURTH CAUSE OF ACTION**

69. Plaintiff repeats, reiterates and re-alleges each and every allegation previously set forth as if more fully set forth herein at length.

70. That the Defendants intentionally and for the purpose of causing severe physical and mental distress conducted themselves toward the Plaintiff in a manner so outrageous and shocking that it exceeded all reasonable bounds of decency.

71. That the Defendants recklessly conducted themselves toward the Plaintiff in a manner so outrageous and shocking that it exceeded all reasonable bounds of decency.

72. That solely by reason of all the foregoing, the Plaintiff has suffered damages and injuries in a sum to be determined at the time of trial.

**AS AND FOR A FIFTH CAUSE OF ACTION**

73. Plaintiff repeats, reiterates and re-alleges each and every allegation previously set forth as if more fully set forth herein at length.

74. That the Defendants did not take any steps to prevent the assault, battery, detainment, search, seizure, unlawful/false arrest and unlawful imprisonment of the Plaintiff.

75. The Defendant unreasonably seized the person of Plaintiff, subjected her to degrading and humiliating searches of her body without a valid authority, detained, falsely imprisoned and arrested her, all without their consent or probable cause.

76. That at all times mentioned herein, each of the Defendants had the power and duty to restrain the other Defendants and prevent them from violating the law and rights of the Plaintiffs but that each of the Defendants failed and refused to perform that duty, failed and refused to restrain the other Defendants, and thereby became party to the injuries inflicted upon the Plaintiffs.

77. That solely by reason of all the foregoing, the Plaintiff has suffered damages and injuries in a sum to be determined at the time of trial.

**AS AND FOR A SIXTH CAUSE OF ACTION**

78. Plaintiff repeats, reiterates and re-alleges each and every allegation previously set forth as if more fully set-forth herein at length.

79. That as a result of Plaintiff's false arrest the was caused to pay \$125.00 for an Alcohol and/or other substance screening.

80. As a result of the foregoing the Plaintiff has been damaged in the sum of \$125.00.

**AS AND FOR A SEVENTH CAUSE OF ACTION**

81. Plaintiff repeats, reiterates and re-alleges each and every allegation previously set forth as if more fully set-forth herein at length.

82. That as a result of Plaintiff's false arrest the Plaintiff was caused to retain an attorney in the Criminal Court proceeding.

83. That as a result of the foregoing the Plaintiff was caused to incur the sum of \$2,500.00 in legal fees.

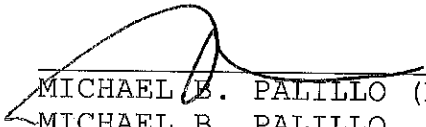
84. That as result of the foregoing, the Plaintiff has ben damaged in the sum of \$2,500.00

**WHEREFORE,** Plaintiff demand judgment against the Defendants as follows:

- a) On the first, second, third and fourth causes of action for compensatory damages against all Defendants in a sum to be determined at trial but in no event less than ONE MILLION DOLLARS (\$1,000,000.00);

- b) On the fifth cause of action for exemplary and punitive damages in a sum to be determined at trial but in no event less than TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00);
- c) On the sixth cause of action the \$125.00 paid for alcohol screening;
- d) On the seventh cause of action the \$2,500.00 incurred to retain an attorney to represent the Plaintiff in the Criminal Court proceeding;
- e) For attorneys fees pursuant to 43 U.S.C. 1988 against all Defendants; and
- f) Together with the costs and disbursements of this action, and for such other and further relief as to this Court deems just proper and equitable.

Dated: New York, New York  
September 20, 2022



MICHAEL B. PALILLO (MP 0044)  
MICHAEL B. PALILLO, P.C.  
Attorney for Plaintiffs  
277 Broadway, Suite 501  
New York, NY 10007  
(212) 608-8959



**EXHIBIT A**

0702 / UNDER

6/17/2022-18-002550

POLICE DEPARTMENT  
CITY OF NEW YORK

K22621141-1

Highway District Intoxicated Driver Testing Unit

New York State Evidential Breath Analysis Test

BAC. 052

CMI Intoxilyzer 9000 - Alcohol Analyzer

Serial #: 90-002042

Case Number: 2042-22-2276

Date: 05/21/2022

SUBJECT'S NAME: TSAMASIROU, MARIA K

SUBJECT'S DOB: [REDACTED]

AGE: [REDACTED]

LICENSE #: [REDACTED]

STATE OF ISSUE: [REDACTED]

GENDER: F

TECHNICIAN: POH, RICKY, PO, 08595, 961110

PERMIT #: 47697

EXPIRATION DATE: 05/03/2023

AGENCY: NYPD HIGHWAY PATROL UNIT

ARRESTING OFFICER: ROBINSON, KAREEM, PO, 5587, 964732, 418

AGENCY: NYPD

PRECINCT OF ARREST: 088

PATROL BOROUGH OF ARREST: BK

DATE OF ARREST: 05/21/2022 COMMERCIAL MOTOR VEHICLE: No

ARREST TIME: 01:02 UNDER 21 YRS OLD: No

20 MIN OBSERVATION START TIME: 01:35 CRASH INVOLVED: No

INJURY: No

CHILD UNDER 16 IN VEHICLE: No

Test	BAC	Time
Air Blank	0.000	01:55:25
Diagnostics	Passed	01:55:29
Air Blank	0.000	01:56:06
Calibration Check	0.098	01:56:33
Air Blank	0.000	01:57:13
Subject Sample	0.052	01:58:08
Air Blank	0.000	01:58:50
Calibration Check	0.096	01:59:16
Air Blank	0.000	01:59:56
Diagnostics	Passed	02:00:00
Air Blank	0.000	02:00:37

## ETHANOL STANDARD INFORMATION

LOT #: 22030

EXPIRATION DATE: 07/24/2022

SIMULATOR SERIAL #: MP4526

I the undersigned, hereby certify that the foregoing report is a true, accurate, and complete record, made as part of and in the regular course of the New York City Police Department's business activity, at, or near, the date and time the test was made, and that the above test was performed by me. False statements made herein are punishable as a class "A" misdemeanor pursuant to section 210.45 of the New York State Penal Law.

TECHNICIAN SIGNATURE: [REDACTED]

NR506

EXHIBIT "A"

**EXHIBIT B**

CR-014072-22KN  


CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF KINGS

V

MARIA TSAMASIROS

POLICE OFFICER KAREEM ROBINSON SHIELD NO.05587, OF HIGHWAY 2 SAYS THAT ON OR ABOUT MAY 21,2022 AT APPROXIMATELY 12:45 AM AT THE CORNER OF 4TH AVE & 94TH ST COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

VTL 1192(1) OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE  
OF ALCOHOL OR DRUGS  
VTL 1192(3) OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE  
OF ALCOHOL OR DRUGS

IN THAT THE DEFENDANT DID:

OPERATE A MOTOR VEHICLE WHILE SUCH PERSON'S ABILITY WAS IMPAIRED BY THE CONSUMPTION OF ALCOHOL; OPERATE A MOTOR VEHICLE WHILE IN AN INTOXICATED CONDITION.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

THE DEPONENT STATES THAT, AT THE ABOVE TIME AND PLACE, THE DEPONENT OBSERVED THE DEFENDANT DRIVING A 2015 FORD EXPLORER NEW YORK STATE LICENSE NO. BOUZOUKI THAT APPEARED TO HAVE EXCESSIVELY TINTED FRONT DRIVER'S SIDE WINDOW, FRONT PASSENGER SIDE WINDOW, REAR DRIVER'S SIDE WINDOW, AND REAR PASSENGER SIDE WINDOW.

DEPONENT FURTHER STATES THAT AT THE APPROXIMATE ABOVE TIME AND PLACE, DEPONENT OBSERVED THE DEFENDANT EXHIBITING SIGNS OF INTOXICATION: TO WIT, RED WATERY EYES, AND ODOR OF ALCOHOLIC BEVERAGE ON BREATH.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE  
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT  
TO SECTION 210.45 OF THE PENAL LAW.

5/21/22  
DATE

  
SIGNATURE

EXHIBIT "B"

## **EXHIBIT C**

1 CRIMINAL COURT OF THE CITY OF NEW YORK  
2 COUNTY OF KINGS: PART APAR3  
3 -----x  
4 THE PEOPLE OF THE STATE OF NEW YORK,

5 -against-

Docket No:  
CR-014072-22KN  
Arraignment

6 MARIA TSAMASIROS

7 Defendant.

8 -----x

9 120 Schermerhorn Street  
10 Brooklyn, New York 11201  
11 May 21, 2022

12 B E F O R E: THE HONORABLE ARCHANA RAO,  
13 CRIMINAL COURT JUDGE

14 A P P E A R A N C E S:

15 FOR THE PEOPLE:

16 ERIC GONZALEZ, ESQ.  
17 District Attorney, Kings County  
18 350 Jay Street  
Brooklyn, New York 11201

19 BY: JILL DAVIS, ESQ.  
Assistant District Attorney

20  
21 FOR THE DEFENDANT:

22 BROOKLYN DEFENDER SERVICE,  
23 177 Livingston Street  
Brooklyn, New York 11201

24 BY: JOAN HOWELL, ESQ.

25 DAVINA W FLOOD  
Official Court Reporter

EXHIBIT "C"

1 COURT OFFICER: Docket ending 072, Maria  
2 Tsamasiros. The defendant is charged with VTL1192,  
3 operating vehicle while under the influence of alcohol  
4 or drugs.

5 MS. HOWELL: Brooklyn Defender Services by  
6 Joan Howell, appearing on behalf of Ms. Tsamasiros.

7 COURT OFFICER: Counsel, do you waive the  
8 reading of the rights and charges, but not the rights  
9 thereunder?

10 MS. HOWELL: So waive.

11 MS. DAVIS: 250.20, 255, serving and filing  
12 710.31(a), CTA and then IDU paperwork will be provided  
13 post arraignment.

14 People are consenting to release.  
15 Requesting a license suspension and screening. That's  
16 all.

17 THE COURT: And you did provide the written  
18 verified blood alcohol results?

19 MS. NEEDLE: Yes. Your Honor.

20 THE COURT: And based upon that and the  
21 reasonable cause provided by your complaint, it's my  
22 intention to suspend your client's privilege to drive,  
23 pending prosecution.

24 Is there anything of relevance you'd like to  
25 say regarding the issue?

1 MS. HOWELL: Yes, Your Honor.

2 For starters, I would like to put emphasis  
3 on the fact that none of the allegations in the  
4 complaint speak to recklessness.

5 Your Honor has discretion to suspend my  
6 client's license. It is not an automatic suspension  
7 because my client blew below the legal limit of point  
8 zero eight. The paperwork says point zero five two, if  
9 I'm not mistaking.

10 Additionally, Your Honor. The allegations  
11 here specifically speak to my client being stopped for  
12 excessive tinting.

13 Nothing in the allegations speaks to  
14 recklessness, which would be required in order for it to  
15 be an automatic suspension here.

16 So, I ask that Your Honor consider not  
17 suspending my client's license in this case.

18 In addition, my client works full-time as a  
19 Safety Director for a plumbing company and she needs her  
20 driving privileges to remain intact in order to travel  
21 to and from work.

22 So essentially Your Honor, by you suspending  
23 my client's license; you would be preventing her from  
24 persuing her employment.

25 THE COURT: People?



1 MS. NEEDLE: In this case, the officer's did  
2 observe a odor of alcohol coming from the defendant's  
3 breath.

4 They did observe that the defendant had  
5 watery eyes. The defendant stated in sum and substance,  
6 I had two glasses of wine.

7 MS. HOWELL: Your Honor, can I be heard on  
8 that point?

9 THE COURT: Yes.

10 MS. HOWELL: In terms of my client stating  
11 that she had two glasses of wine, it is not illegal for  
12 a person to drive after having two glasses of wine; as  
13 long as it's not over the legal limit.

14 Nothing in the allegations again, despite  
15 the normal different kinds of intoxication of red watery  
16 eyes.

17 No allegations speak to recklessness, and  
18 that's what's required in order for there to be an  
19 automatic suspension here.

20 There was no allegation of my client being  
21 involved in a accident. There's no allegation of my  
22 client hitting anyone. There's no allegation of  
23 recklessness whatsoever.

24 Again, Your Honor I ask that you use your  
25 discretion and not suspend my client's license in this

1 case.

2 THE COURT: Anything further?

3 MS. DAVIS: No. Your Honor.

4 MS. HOWELL: No. Your Honor.

5 THE COURT: I'll note that your client has  
6 blown below the limit, which is a point zero five two.  
7 There are no allegations of recklessness. It is not a  
8 mandatory suspension, pending prosecution and in light  
9 of the fact that she did not blow below a point zero  
10 eight.

11 Confirming what Counsel stated, this was not  
12 a stop based upon any traffic moving violation or any  
13 allegations of recklessness. In light of this, I will  
14 not suspend her license at this time.

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16 (Continued on the next page to allow room  
17 for the Certificate page.)

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1 MS. HOWELL: Thank you, Your Honor.

2 THE COURT: It's going to DWI. June 27th?

3 MS. HOWELL: Yes, please.

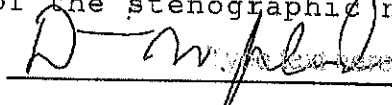
4 THE COURT: I ordered screening. Adjourned  
5 to DWI, June 27th on for COC. She's released, ROR.

6 Thank you.

7

8 This is certified to be a true and accurate  
9 transcript of the stenographic notes.

10

A handwritten signature in cursive script, appearing to read "Davina W. Flood", is written over a horizontal line.

11

DAVINA W. FLOOD

12

Official Court Reporter

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**EXHIBIT D**

State of New York DEPARTMENT OF MOTOR VEHICLES - Empire State Plaza, Albany, New York 12224  
**ABSTRACT OF DRIVING RECORD**

Document # LWEB0743

PRINT DATE: 6/28/2022 TIME: 12:00:92 OPERATOR: WEB OFFICE: DAB

TSAMASIROS, MARIA K  
 226 BEACH 134 ST  
 BELLE HARBOR, NY 11694

CLIENT ID #: 207676978  
 DOB: [REDACTED] SEX: F  
 HEIGHT: 5-4 EYE COLOR: BROWN  
 COUNTY: QUEE  
 MI #: T19050 30191 736028-90

NAME ON LICENSE/ID: TSAMASIROS  
 MARIA, KATHERINE  
 RESTRICTIONS: CORRECTIVE LENSES

LICENSE CLASS: \*D\*

STATUS: SUSPENDED EXPIRATION: 09/17/2027

SUSP/REV SUMMARY: TOTAL 1 (SCOFFS 0 ON 0 DATES) JUDGEMENT \$ 0

\*\*\*\*\*

CLASS CHANGE: 05/10/2007

CLASS CHANGE: 09/17/2008

ACCIDENT PREVENTION COURSE COMPLETED ON: 03/14/2020

POINT REDUCTION ELIGIBLE FOR VIOLATIONS OCCURRING FROM 09/14/2018 - 03/14/2020

N/A - NON 19-A DRIVER OR COURSE PRIOR TO 01/01/92

\*\*\*\*\*

SUSPENSIONS/REVOCATIONS  
 SUSPENSION: 05/21/2022 RECD PROS-CY-BAG ORDER: A2205270000

\*\*\* END OF RECORD \*\*\*

This is to certify that this document is a true and complete copy of an electronic record on file in the New York State Department of Motor Vehicles, Albany, New York. The record was made in regular course of New York State Department of Motor Vehicles daily business. It is the business of the New York State Department of Motor Vehicles to create and maintain the records of drivers in the state of New York. Entries in this document are made at the time the recorded transactions or events took place or within a reasonable time thereafter. The person who reports the information is under a business duty to do so accurately.

ABR-3 (01/18)

Exhibit "D"

*Mark J.F. Schroeder*

COMMISSIONER OF MOTOR VEHICLES

NYS DMV - LENS CUSTOMER # 88368  
NOTIFICATION REPORT  
FOR BAY RIDGE MECHANICAL

WORK OF 06/29/2022  
PRINTED 06/30/2022  
PAGE 0001

DRIVER 207676978 TSAMASIROS, MARIA, K  
ADDED: 07/07/2015

██████████ F NY INDEX

LIC STATUS:>VALID

CDL STATUS:>NONE

LIC PRIVILEGE: FULL

19A STATUS: NOT APPLICABLE

CDL PRIVILEGE: NONE

LIC CLASS : \*D\*

EXPIRATION: 09/17/2027

NYS DMV - LENS CUSTOMER # 88368  
NOTIFICATION SUMMARY REPORT  
FOR BAY RIDGE MECHANICAL

WORK OF 06/29/2022  
PRINTED 06/30/2022  
PAGE 0001

THERESA  
BAY RIDGE MECHANICAL  
612 79TH STREET  
BROOKLYN NY 11209

NUMBER OF NOTIFICATIONS

1 @ \$1.00 = \$1.00

LAST NOTIFICATION SENT

06/10/2022

**EXHIBIT E**



Randi D. Schneider, LCSW

53 Eighth Avenue  
Brooklyn, New York 11217

The Offices @ Water Street  
PO Box 2774  
Sag Harbor, New York 11963

Phone: 917 • 696 • 2766

Fax: 631 • 899 • 2535

randischneiderLCSW@gmail.com

Patient Name: Maria Tsamasiros

DOB: 09.17.90

Diagnosis: Major Depressive Disorder

Date of Service	Service Provided	Fee
5/23/22	SCREENING for Alcohol & Other Substance Abuse	\$125.
TOTAL:		\$125

*paid in full  
Randi D. Schneider, LCSW*

Randi D. Schneider, LCSW  
NY State Licensed Clinical Social Worker # R 025337 - 1  
Date: 5.23.22

**EXHIBIT F**

**From:** INFANTE, ASHLEY  
**To:** Michael B. Palillo  
**Subject:** RE: TSAMASIROS, MARIA CR-014072-22KN  
**Date:** Friday, June 10, 2022 3:48:23 PM

---

Per our conversation, we will be moving to dismiss this case due to insufficient evidence to prosecute.

If you have any questions, please feel free to contact me at any time.

Best,  
Ashley C. Infante

**From:** Michael B. Palillo <mpalillo@palillolaw.com>  
**Sent:** Friday, June 10, 2022 3:47 PM  
**To:** INFANTE, ASHLEY <INFANTEA@BrooklynDA.org>  
**Subject:** RE: TSAMASIROS, MARIA CR-014072-22KN

Thank you

**From:** INFANTE, ASHLEY <INFANTEA@BrooklynDA.org>  
**Sent:** Friday, June 10, 2022 3:37 PM  
**To:** Michael B. Palillo <mpalillo@palillolaw.com>  
**Subject:** TSAMASIROS, MARIA CR-014072-22KN

Good afternoon,

I just to make sure that you had my contact information. I have an update regarding the case and will give you a call shortly.

Best,  
**Ashley C. Infante**  
Assistant District Attorney  
Kings County District Attorney's Office | Trial Bureau II – Blue Zone  
350 Jay Street 11<sup>th</sup> Floor, Brooklyn, NY 11201  
Email: [infantea@brooklynda.org](mailto:infantea@brooklynda.org) | Phone: 718-250-3168

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EXHIBIT " F"

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## **EXHIBIT G**

Certificate 1 0000000011

Page 1 of 1

**KINGS CRIMINAL COURT**

120 Schermerhorn St., Brooklyn, NY 11201

Phone (646) 486-1500 Fax (718) 641-7711

Court ORI NY030331

**FEE**Non-Public  
Version

The People of the State of New York

vs

Maria K. Framasirov

Certificate of Disposition

Docket Number

CR-014072-22KN

CJTN

069955432/

NYSD

15563304P

Defendant DOB

Arrest Date 05/21/2022

Arrangement Date 05/21/2022

THIS IS TO CERTIFY that the undersigned has examined the files of the Kings Criminal Court concerning the above entitled matter and finds the following:

Count #	Charge	Charge Weight	Disposition	Disposition Date
1	VTL 1192.01 F.W.M. 1st Offense **SEAL'D 160.50**	UM	Dismissed (Other Insufficient Evidence (CPL 170.30 (1)(f)), Sealed 160.50)	06/27/2022
2	VTL 1192.01 F.W.M. Alcohol **SEAL'D 160.50**	1	Dismissed (Other Insufficient Evidence (CPL 170.30 (1)(f)), Sealed 160.50)	06/27/2022

Charge Weight Key: 1 Infraction, V Violation, UM Unlawful Misdemeanor, UM Unlawful Misdemeanor, AL, BF, CI, DI, etc. (see Felony)

Dated June 27, 2022

Chief Clerk/Clerk of the Court

CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL

All non-petition convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40 including any appeal on this certificate of disposition are vacated, dismissed, sealed, and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise, unless specifically required or permitted by statute. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about whether in any form of application or otherwise, or to act upon or respond to the individual involved any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of criminal action in contemplation of dismissal pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10 of the criminal procedure law, or by an order of adjournment in contemplation of dismissal pursuant to section 160.50 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.58 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.59 or 160.58 of the criminal procedure law, in connection with the licensing, business, employment, including volunteer positions, or providing of credit or insurance to such individual, provided, further, that no person shall be required to disclose information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order of adjournment in contemplation of dismissal pursuant to section 170.55 or 170.56, 210.46, 210.47, or 215.10 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.58 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. An individual requested or requested to provide information in violation of this subdivision may respond as if the arrest, criminal accusation, or disposition of such arrest or criminal accusation had not occurred. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons, in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 20 of the criminal procedure law, provided further, that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 220.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.58 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. For purposes of this subdivision, an action which has been adjourned in contemplation of dismissal pursuant to section 170.55 or 170.56, 210.46, 210.47, or 215.10 of the criminal procedure law, shall not be considered a pending action unless the order to adjourn in contemplation of dismissal is revoked and the case is restored to the calendar for further prosecution. If recused, Law 240(10).

Charges may not be the same as the original arrest charges.  
CPL 160.50 All official records (including published court decisions or opinions or records and briefs or appeal) related to the arrest or prosecution on file with the Division of Criminal Justice Services, any court, police agency or prosecutor's office shall not be available to any person or public or private agency.

EXHIBIT "G"

## **EXHIBIT H**

**PALILLOLAW**

BROADWAY CHAMBERS BUILDING

**MICHAEL B. PALILLO P.C.**

277 BROADWAY SUITE 501  
NEW YORK NEW YORK 10007

P 212.608.8959

F 212.608-0304

May 24, 2022

MICHAEL B. PALILLO ESQ.  
Pedro Duran Esq.

mpalillo@palillolaw.com  
pduran@palillolaw.com  
paralegal/calendar  
yvazquez@palillolaw.com  
office manager  
marianne@palillolaw.com

Ms. Maria K. Tsamasiros  
226 Beach 134<sup>th</sup> Street  
Belle Harbor, NY 11694

-----  
RE: People v. Tsamasiros

Retainer

\$2,500.00

KINDLY REMIT

EXHIBIT "A"



MICHAEL B. PALILLO, an attorney duly admitted to practice law in the Courts of the State of New York affirms the following under penalties of perjury:

1. I am the attorney for the Plaintiff in the above captioned matter. I have read the foregoing COMPLAINT and know the contents thereof; the same is true to my knowledge, except as to matters herein stated to be alleged upon information and belief, and as to those matters I believe to be true based on a review of the files maintained in this office and conversations had with the Plaintiff. The reason why this verification is made by the undersigned attorney rather than the Plaintiff, is that the Plaintiff does not reside in the County wherein I maintain my office for the practice of law.

Dated: New York, New York  
September 20, 2022

  
\_\_\_\_\_  
Michael B. Palillo Esq.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

---

MARIA TSAMASIROS,

Plaintiff,

-against-

THE CITY OF NEW YORK,  
P.O. RICKY POH, P.O. KAREEM ROBINSON,  
AND JOHN/JANE DOE OFFICERS OF THE  
68<sup>TH</sup> AND 73<sup>RD</sup> PCTS AND NYPD HIGHWAY PATROL UNIT,  
NAMES FICTITIOUS, TRUE NAMES UNKNOWN INTENDING  
TO BE OFFICERS ON THE DATE AND TIME ALLEGED,

Defendants.

---

**SUMMONS & VERIFIED COMPLAINT**

---

**Michael B. Palillo P.C.**

*Attorneys for Plaintiff*

*MARIA TSAMASIROS*

*Office and Post Office Address:*

**277 Broadway, Suite 501**

**New York, NY 10007**

**(212) 608-8959**

(212) 608-0304 Fax (Not for Service)

[mpalillo@palillolaw.com](mailto:mpalillo@palillolaw.com)

(Not for Service)

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Signature (Rule 130-1.1-a)

  
MICHAEL B. PALILLO, ESQ.